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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROSS UNIVERSITY SCHOOL OF
MEDICINE and GLOBAL EDUCATION
INTERNATIONAL, INC.,

Plaintiffs,

v.

BEHZAD AMINI, WWW.ROSSU.NET,
WWW.ROSSMEDICALSCHOOL.ORG,
WWW.ROSSMEDSCHOOL.COM and
WWW.JOHNDOEROSSINFRINGINGSITES1
-20.DOE

Defendants.

: Civil Action No. 3:13-CV-06121-AET-TJB

: **DECLARATION OF**
: **WILLIAM S. GYVES, ESQ.**

I, WILLIAM S. GYVES, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am an attorney duly licensed to practice in the State of New Jersey and a member of the firm of Epstein Becker & Green, P.C., attorneys for plaintiffs Ross University School of Medicine (“RUSM”) and Global Education International, Inc. (collectively, “Plaintiffs”) in the above-captioned action.

2. I respectfully submit this declaration in support of Plaintiffs’ application for an order holding defendant Behzad Amini in civil contempt for violating the Court’s Order of Preliminary Injunction dated December 9, 2013 (“Preliminary Injunction”), as well as the Temporary Restraining Order dated October 16, 2013 (“TRO”) and Order Providing for

Continuing Injunction dated October 28, 2013 (“Continuing Injunction”), and for certain related interim relief.

3. This action arises out of Amini’s campaign to disparage, discredit and disrupt the operations of RUSM, the Caribbean medical school from which he was permitted to voluntarily withdraw last year rather than attempt to defend himself against a serious grievance brought by a fellow student. In return for being permitted to voluntarily withdraw, Amini executed a formal settlement agreement in which he, upon the advice of counsel, obligated himself to refrain from disparaging RUSM and members of its administration.

4. Amini’s violation of this contractual non-disparagement provision and other wrongful acts prompted Plaintiffs to commence this action on October 16, 2013.

5. Based on compelling evidence of Amini’s disparaging and other wrongful conduct, the Court entered the TRO, the Continuing Injunction and then ultimately the Preliminary Injunction.

The Preliminary Injunction

6. In the Preliminary Injunction (ECF-Doc. 23) at paragraph 2(a), the Court compelled Amini to, among other things, refrain from:

Directly or indirectly publishing or disseminating, whether through the Offending, Infringing Sites or other outlets or mediums, any statements that would disparage, reflect negatively upon or otherwise call into question RUSM’s business operations, products, services, integrity, reputation or business relationships, or the business operations, products, services, integrity, reputation or business relationships of RUSM and/or any of its parent, subsidiary or any other affiliated entities, and any and all of its or their former and current members, principals, directors, officers, shareholders, employees, agents, attorneys, contractors, representatives, affiliates, predecessors, successors and assigns, including but not limited to any further disparaging communications with representatives of RUSM’s affiliated institutions or governmental regulators or any of recipients

of the emails identified in the Verified Complaint at paragraphs 65, 68, 78 and 82[.]

7. Amini had been under this same prohibition since October 16, 2013, as a consequence of the TRO (ECF-Doc. 6), and October 28, 2013 as a result of the Continuing Injunction (ECF-Doc. 11).

8. The Preliminary Injunction was docketed on December 11, 2013 and Amini received notice of it through ECF.

9. Amini expressly acknowledged that he was aware of the Preliminary Injunction by formally objecting to it on December 13, 2013. See ECF Doc. 24. Amini also was served with the TRO; filed an opposition to our application for a preliminary injunction; and was served via ECF with the Continuing Injunction.

The December 15th Blast Email

10. Just two days after expressly acknowledging the entry of the Preliminary Injunction, Amini proceeded to violate its terms through a blast email to more than 200 recipients in which he accused RUSM's Dean and Chancellor, Joseph A. Flaherty, M.D., of having committed "financial crime" and being "worse than a common criminal."

11. I was one of the recipients of Amini's December 15, 2013 email ("December 15th Email"), a true and correct copy of which I have attached hereto as Exhibit A.

12. Addressing Dr. Flaherty and copying members of the RUSM and medical educational communities, governmental agencies, the media and others, Amini in the December 15th Email wrote:

Dr. Flaherty,

As a dean of a for-profit medical school with an attrition rate of over 20%, you have brought shame and indignity to Ross University and the medical community.

Your legacy as the dean of Ross University will be remembered as the one who shattered the dreams of many and who profited from all the students who had to live with massive debt and financial ruin.

I have no doubt that your conscious [sic] will suffer in this life for the financial crime you committed against all those students who are now left penniless, including myself. There is no justification for what you did, and **you are worse than a common criminal.**

Mr. Flaherty, it is time for you to step down. If you have any dignity left, you'll cooperate with Congress and the Department of Education's investigations against DeVry, Inc. and all those responsible.

How many more students will have to be ruined financially before you are fully satisfied?

As history has noted, many of journalists in Iran sent to prison for publications against government and its institutions [sic]. If I have to be put in prison in United States for publishing what Ross University did to me, I'll still publish and tell what Ross University did to me. (emphasis supplied).

Amini Transmitted the December 15th Email

13. The December 15th email was transmitted from the email address info@stopdevry.com. Consistent with his course of conduct giving rise to this litigation (including his admitted maintenance of numerous bogus RUSM websites), Amini is hiding behind this bogus email address and the domain name STOPDEVRY.com to advance his acknowledged objective of undermining RUSM's reputation and disrupting its operations.

14. Attached hereto as Exhibit B is a copy of a report on the results of an internet domain search conducted through the website dig.whois.com.au ("WHOIS"). WHOIS is a widely used and respected internet record listing. Its databases can be searched to identify the registered users or assignees of domain names, IP addresses and the like.

15. Exhibit B reflects certain information with respect to who established, maintains and controls the domain name "STOPDEVRY.com." It identifies, for example, "Ben Amini" as the registrant of STOPDEVRY.com. Amini commonly uses the first name "Ben," rather than "Behzad," as can be seen from only the small sampling of his recent correspondence relating to this dispute that I have attached collectively as Exhibit C.

16. WHOIS also identifies Amini as the administrator of STOPDEVRY.com, as well as its technical contact. It further lists "Ben Amini's" address as 13835 N. Tatum Boulevard #9-280 in Phoenix -- i.e., the same address Amini has used on his pleadings in this matter.

17. According to WHOIS, STOPDEVRY.com was created by Amini on November 30, 2013 -- i.e., well after entry of the TRO and Continuing Injunction.

18. Further, according to WHOIS, STOPDEVRY.com was created on a platform hosted by Hostgator, which also does business as Unified Layer.

19. Significantly, Hostgator and Unified Layer are specifically identified in paragraph 2 of the Preliminary Injunction as enjoined persons acting in concert with Amini.

20. Hostgator and Unified Layer are related companies. They were identified through our due diligence and investigation in this matter as the appropriate third parties to receive notice of the TRO. They are each "hosting companies," or entities through which persons wanting to have active websites actually maintain websites with content.

21. We first identified Unified Layer at the outset of this litigation through an internet-based search tool that identifies the hosting company associated with a particular website. Unified Layer was identified as hosting three of Amini's Offending Websites -- rossuniversity.info, rossu.net and rossmedicalschoool.org -- identified in the TRO.

22. In response to our inquiries to Unified Layer, an individual named Ford Merrill contacted us. He confirmed that three of Amini's Offending Websites had been disabled in compliance with the TRO served upon Unified Layer. He also identified Hostgator as a company related to Unified Layer, adding that Hostgator was the registrar for one of Amini's Offending Websites -- rossuniversity.info -- covered by the TRO. Following entry of the Preliminary Injunction, we have worked with Mr. Merrill to effect the transfer of that domain name to our clients.

23. According to WHOIS, the contact email listed for Amini with respect to the STOPDEVRY.com website is green973271@yahoo.com. This, too, traces back to Amini. In the past, Amini has attempted to hide behind the bogus identity of "Jeff Green" in connection with this dispute. In fact, Amini provided this same email to a domain name registrar, TUCOWS, Inc., that had disabled one of Amini's Offending Websites in compliance with the TRO.

24. Attached hereto as Exhibit D is a copy of a letter that my partner, James P. Flynn, sent to the Court on November 19, 2013 outlining how Amini has held himself out to be "Jeff Green."

25. In relevant part, that letter states:

Yesterday, we received a troubling email from the Compliance Officer of TUCOWS, Inc. ("TUCOWS") relating to the infringing websites at issue in this litigation. TUCOWS is one of the restrained domain name registrars identified in Your Honor's Order Providing for Continuing Injunction dated October 28, 2013 ("Order"). **TUCOWS informed us that an individual named "Jeff Green" had contacted the company seeking to have the infringing websites unlocked. The individual identifying himself as "Jeff Green" advised TUCOWS that his telephone number was (602) 980-0900. Not surprisingly, a review of our own correspondence with Mr. Amini, the docket**

sheet and defendant's filings reveal that this number is defendant Behzad Amini's telephone number.
(emphasis supplied).

26. Amini in recent weeks has made clear his intention to continue to disparage RUSM and its administrators regardless of this Court's orders. In doing so, he has used much of the same rhetoric that is reflected in the December 15th Email.

27. For example, in an email dated December 3, 2013 and addressed to me, Amini stated in relevant part that:

I will fight your client as long as I live. No one and no court can ban my free speech against your client. Reporters in Iran are put in prison for expressing their free speech and if I have to be put in prison in United States for expressing my free speech against your client, then let it be. My story will get all over news; both in US and Iran. (emphasis supplied).

A copy of Amini's December 3rd email is attached hereto as Exhibit E.

28. The following day Amini emailed my partner, Mr. Flynn, hitting the same themes. Referring to the pending litigation, Amini wrote:

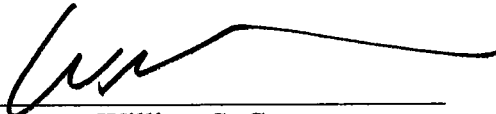
In any event, none of [this] matters in a few days and no one will be able to yank away my free speech. (emphasis supplied).

I have attached hereto as Exhibit F a copy of Amini's December 4th email.

29. Amini's disparagement of a professional of Dean Flaherty's stature is shameful. Dean Flaherty is a highly regarded medical educator. Prior to joining RUSM, he served for more than six years as Dean of the University of Illinois College of Medicine -- the nation's largest medical school. I have attached hereto as Exhibit G a copy of that portion of RUSM's website describing Dean Flaherty's professional background, as well as his accompanying curriculum vitae.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 18, 2013



William S. Gyves